

# ARNOLD & PORTER

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June 12, 2001

Commissioner for Patents  
Washington, D.C. 20231

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TECH CENTER 1600/2900

Re: Continued Prosecution Appl. of Appl. No.: 09/421,106  
Filed: October 15, 1999  
Title: Nucleic Acid Molecules and Other Molecules  
Associated with Plants  
Inventors: BYRUM, Joseph R.  
Atty. Docket: 38-21(15598)B

Sir:

The following documents are forwarded herewith for appropriate action by the  
U.S. Patent and Trademark Office:

1. this Transmittal Letter to the Commissioner of Patents (in duplicate);
2. a Continued Prosecution Application (CPA) Request Transmittal (PTO/SB/29, in duplicate);
3. a Preliminary Amendment;
4. a Request and Certification Under 35 U.S.C. 122(b)(2)(b)(i);
5. check number 131090 in the amount of \$710.00; and
6. a Return Postcard.

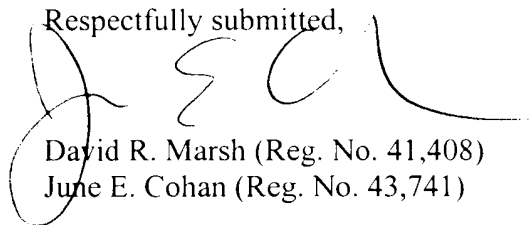
It is respectfully requested that the attached postcard be stamped with the filing date of these documents and returned to our courier.

Applicants note for the attention of the Patent and Trademark Office the attached change of correspondence address indicated on form PTO/SB/29. Future correspondence should be directed to the address set forth therein.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to Arnold and Porter Deposit Account No. 50-

1824 referencing matter number 38-21(15598)B. A duplicate copy of this letter is enclosed.

Respectfully submitted,



David R. Marsh (Reg. No. 41,408)  
June E. Cohan (Reg. No. 43,741)

Enclosures



PTO/SB/35 (11-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST AND CERTIFICATION  
UNDER  
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor	BYRUM, Joseph R.
Title	Nucleic Acid Molecules and Other Molecules Associated with Plants
Atty Docket Number	38-21(15598)B

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

June 12, 2001  
Date

  
Signature

David R. Marsh (Reg. No 41,408)

June E. Cohan (Reg. No 43,741)

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.